



Entered on Docket
October 13, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,¹
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,²
USA SECURITIES, LLC,³
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIFTH OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED UPON
INVESTMENT IN BAR USA LOAN**

Hearing Date: October 5, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Fifth Omnibus Objection of USACM Trust to
2 Proofs of Claim Based Upon Investment in BarUSA Loan,” [Docket No. 7348] (the
3 “Objection”); with appropriate notice of the Objection having been given; no response to
4 the Objection having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED:**

- 6 1. The Objection is sustained; and
- 7 2. The claims listed in **Exhibit A** based upon a Direct lender investment
8 in the BarUSA loan are disallowed in their entirety.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ Marvin Ruth (#10979)
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
 Rob Charles
 John Hinderaker (*pro hac vice*)
 Marvin Ruth
Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the BarUSA/\$15,300,000 Loan
10725-02301	Anderson Fmly Trust Dtd 7/21/92	Gary B & Barbara L Anderson Ttee Po Box 699 Carnelian Bay, CA 96104	1,000,000.00	50,000.00
10725-02066	Ann E Brant Survivors Trust Dtd 5/22/87	C/O Raymond F Brant Trustee PO Box 728 Diablo, CA 94528	202,886.16	100,000.00
10725-00466	Barbara M Sanchez 2002 Revocable Living	C/O Barbara M Sanchez Trustee PO Box 90528 Santa Barbara, CA 93190-0528	-	250,000.00
10725-02207	Barcia, Daniel	1600 Picket Ct Reno, NV 89521	225,000.00	50,000.00
10725-02228	Barzan Family Trust Dtd 5/23/90	John C & Rosemarie A Barzan Ttees 1409 Morada Dr Modesto, CA 95350-0655	253,643.04	100,000.00
10725-02227	Barzan, Richard D & Lelia J	7231 Langworth Rd Oakdale, CA 95361	1,325,629.78	500,000.00
10725-02431	Brines Revoc Fam Trust Dtd 11/5/94, Michael & Cindy	Michael R & Cindy G Brines Ttees 4935 El Sereno Ave La Crescenta, CA 91214-3018	771,119.58	20,000.00
10725-01918	Brines Revocable Family Trust, Michael R & Cindy G	U/A Dtd 11/5/94, C/O Michael R & Cindy G Brines Tt 4935 El Sereno La Crescenta, CA 91214-3018	771,119.58	20,000.00

EXHIBIT A

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the BarUSA/\$15,300,000 Loan
10725-01022	Calhoun, Orvin	2026 Bel Air Ave San Jose, CA 95128	104,946.77	50,000.00
10725-02113	Charles B Dunn IV Trust Dtd 8/12/05	C/O Charles B Dunn Iv Trustee 17042 Norlene Way Grass Valley, CA 95949-7161	690,996.08	100,000.00